

FILED

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2020 MAY 22 PM 3:17

United States District Court

for the
Western District of Texas
AUSTIN DIVISIONCLERK'S OFFICE OF COURT
WESTERN DISTRICT OF TEXASBY MARK JOSEPH WATSON©, *ens legis*
Plaintiff

vs.

TEXAS STATE UNIVERSITY
Defendant

1:20CV0553RP

Case No. 1:20-CV-

FRCP Rule 9(h)¹ – BENCH TRIAL46 U.S.C. § 30903. Waiver of immunity, Texas
Constitution – Article 11 – Municipal
Corporations, and 28 U.S.C. § 1605(a)(2)**COMPLAINT WITHIN THE ADMIRALTY ALLEGING A VIOLATION OF RESERVATION
OF RIGHTS PURSUANT TO THE TEXAS BUSINESS AND COMMERCE CODE § 1-308,
THE TRUTH IN LENDING ACT, REGULATION Z [12 C.F.R. § 226.23(A)(3)] AND
COMMON LAW COPYRIGHT NOTICE (ITEM NO. 921803-2/CLCN) SEEKING
ENFORCEMENT OF A COMMERCIAL LIEN
[28 U.S.C. § 1333², 46 U.S.C. 30101³, and 28 U.S.C. § 1338(c)⁴]**

TO THE HONORABLE JUDGE of said court NOW COMES, MARK JOSEPH WATSON©,
ens legis, filing this *Complaint Within the Admiralty Alleging a Violation of Reservation of Rights
Pursuant to the Texas Business and Commerce Code § 1-308, the Truth in Lending Act, Regulation Z
[12 C.F.R. § 226.23(a)(3)] and Common Law Copyright Notice (Item No. 921803-2/CLCN) Seeking
Enforcement of a Commercial Lien.*

I. The Parties to this Complaint**A. The Plaintiff**MARK JOSEPH WATSON©, *ens legis*
1334 N Interstate 35 TRLR 36
San Marcos, Texas 78666-7120
(214) 659-1265
mark.joseph.watson@gmail.com

- 1 FRCP Rule 9(h) ... Pleading Special Matters ... (h) **ADMIRALTY OR MARITIME CLAIM.** (1) How
Designated. If a claim for relief is within the admiralty or maritime jurisdiction and also within the court's subject-
matter jurisdiction on some other ground, the pleading may designate the claim as an admiralty or maritime claim for
purposes of Rules 14(c), 38(e), and 82 and the Supplemental Rules for Admiralty or Maritime Claims and Asset
Forfeiture Actions. A claim cognizable only in the admiralty or maritime jurisdiction is an admiralty or maritime
claim for those purposes, whether or not so designated.
- 2 28 U.S.C. § 1333 Admiralty, maritime, and prize cases.
- 3 46 U.S.C. § 30101 *Admiralty Extension Act.*
- 4 28 U.S.C. § 1338(c) Patents, plant variety protection, **copyrights**, mask works, designs, trademarks, and unfair
competition

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27 **B. The Defendant**

28 TEXAS STATE UNIVERSITY
 29 Dr. Denise M. Trauth
 30 Office of the President
 31 J.C. Kellam Building, 10th Floor
 32 601 University Drive
 33 San Marcos, Texas 78666-4684
 34 Phone: (512) 245.2121
 35 Email: president@txstate.edu

36 **II. Basis for Jurisdiction**

37 U.S. DISTRICT COURT for the *Western District of Texas*, Austin Division (a.k.a. the court), is a
 38 court of limited jurisdiction. Under 28 U.S.C. § 1333, 28 U.S.C. § 1338(c), and 28 U.S.C. §
 39 1605(a)(2) the court may hear complaints **within the admiralty** seeking enforcement of a
 40 commercial lien. Under 46 U.S.C. § 30903 [*Suits in Admiralty Act* (SIAA)] is a specific
 41 waiver of the sovereign immunity defense for TEXAS STATE UNIVERSITY for value
 42 established by affidavit **within the admiralty** [*Admiralty Extensions Act* (AEA)... 46 USC §
 43 30101⁵].

44 **A. The Plaintiff to this Complaint**

- 45 1. The *Plaintiff* is a COPYRIGHTED corporate fiction, *ens legis* (a.k.a. strawman).
- 46 2. The *Plaintiff*, MARK JOSEPH WATSON©, *ens legis*, is a transmission utility under
 47 the *Uniform Commercial Code*⁶ (UCC) as adopted by the Texas *Business and*
 48 *Commerce Code* (BCC) and is the property of Mark-Joseph: Watson, *Secured Party*
 49 and resident of the state of Texas.

50 **B. The Defendant to this Complaint**

- 51 1. The *Defendant* is a **municipal corporation**.
- 52 2. The *Defendant*, TEXAS STATE UNIVERSITY, is incorporated under the laws of the
 53 STATE OF TEXAS, and has its principal place of business in the STATE OF TEXAS.

54 **C. The amount in controversy**

55 The amount in controversy is TWO MILLION FIVE HUNDRED THIRTY ONE
 56 THOUSAND THREE HUNDRED FIFTY DOLLARS AND ZERO CENTS,
 57 **\$2,531,350.00**, which includes costs of the court, and reasonable attorney's fees.

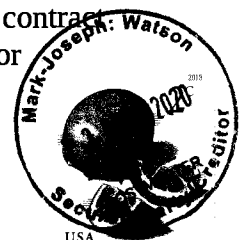
58 **III. Statement of the Claim**

59 In the UNITED STATES there are three types of jurisdiction: Equity (or Civil), Criminal
 60 (Common Law), and Admiralty (which can be both Civil and Criminal but requires a verbal
 61 or written **contract**). To be charged with a Common Law crime there has to be both an
 62 "injured party" and criminal intent. A government is a legal fiction and has no rights and
 63 cannot be an "injured party". Only human beings have rights. Individuals can testify against
 64 an accused person but a legal fiction cannot.

65
 66 "The individual may stand upon his constitutional rights as a citizen. He is
 67 entitled to carry on his private business in his own way. His power to contract
 68 is unlimited. He owes no such duty [to submit his books and papers for
 69 an examination] to the State, since he receives nothing therefrom,
 70 beyond the protection of his life and property. His rights are such as

5 46 U.S.C. § 30101 Extension of jurisdiction to cases of damage or injury on land.

6 International maritime contract law.



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71 existed by the law of the land [Common Law] long antecedent to the
72 organization of the State, and can only be taken from him by due process of
73 law, and in accordance with the Constitution. Among his rights are a refusal to
74 incriminate himself, and the immunity of himself and his property from arrest
75 or seizure except under a warrant of the law. He owes nothing to the public so
76 long as he does not trespass upon their rights." *Hale v. Henkel*, 201 U.S. 43 at
77 47 (1905).

78
79 "There are no common law offenses against the United States. Only those acts
80 which Congress has forbidden, with penalties for disobedience of its
81 command, are crimes." *United States v. Hudson & Goodwin*, 11 U.S. (7 th Cr.)
82 32 (1812); *United States v. Coolidge*, 14 U.S. (1 Wheat.) 415 (1816); *United*
83 *States v. Britton*, 108 U.S. 199, 206 (1883); *United States v. Eaton*, 144 U.S.
84 677, 687 (1892).

85
86 "Actions to recover penalties imposed by act of Congress generally but not
87 invariably have been held not to be criminal prosecutions." *Oceanic*
88 *Navigation Co. v. Stranaham*, 214 U.S. 320 (1909); *Hepner v. United States*,
89 213 U.S. 103 (1909); *United States v. Regan*, 232 U.S. 37 (1914).

90
91 Contempt proceedings, which were at one time not considered to be criminal
92 prosecutions, are no longer within that category. Compare *In re Debs*, 158
93 U.S. 564 (1895), with *Bloom v. Illinois*, 391 U.S. 194 (1968).

94
95 Please refer to **Exhibit A** – Incident Report 20006117 it indicates that the victim of the
96 alleged crime of criminal trespass **during** (the time on the report was 8:51PM) park hours
97 (San Marcos, Texas park hours are from 6:00AM to 11:00PM) was the STATE OF TEXAS
98 (Article 11 of the *Texas Constitution* recognizes the STATE OF TEXAS as a corporation and the
99 counties and cities as municipal corporations). In the report it indicates that I was WARNED
100 NOT to be on public property **after hours** yet I was not handed any such citation. There were
101 no violations of the rules of the use of public property. Therefore, no criminal trespass. I
102 informed them that I was watching wildlife (deer) while working on my computer (during
103 park hours). They obviously there for harassment purposes only. There is a Trump/Pense
104 bumper sticker on the back of my truck.

105
106 Absent an injured party there was no common law crime and in ex parte Milligan, 71 U.S. (4
107 Wall.) 2 (1866) the Supreme Court ruled the **application of military tribunals to citizens**
108 when civilian courts are still operating **is unconstitutional**. What both Officer James Dixon
109 and Officer Travis Talbot were doing was attempting to negotiate a **maritime contract** on
110 behalf of the STATE OF TEXAS and with MARK JOSEPH WATSON©, *ens legis* (a
111 transmission utility created with my birth certificate pursuant to the *Uniform Commercial*
112 *Code*). A detailed explanation of this can be found in *Proof That There is a*
113 *"Straw Man"* (<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>) and *The*
114 *Secret Maritime Jurisdiction of the United States Exposed* ([http://usa-the-](http://usa-the-republic.com/items%20of%20interest/Special%20Maritime%20Exposed.pdf)
115 [republic.com/items%20of%20interest/Special%20Maritime%20Exposed.pdf](http://usa-the-republic.com/items%20of%20interest/Special%20Maritime%20Exposed.pdf)).
116 Both books are free to download.



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117
118 In order to thwart any further harassment I e-mailed Officer James Dixon the next morning.
119 Please refer to **Exhibit B** – e-Mail to Officer James Dixon. As evident by the e-mail, the
120 maritime contract negotiated by both Officer James Dixon and Officer Travis Talbot was
121 rescinded pursuant to the *Texas Business and Commerce Code* sec. 1-308 [same as the
122 Uniform Commercial Code (UCC)] and the *Truth in Lending Act*, Regulation Z [12 C.F.R. §
123 226.23(a)(3)]. Absent a contract the STATE OF TEXAS lack jurisdiction to compel
124 performance.

125
126 When a judge knows that he lacks jurisdiction, or acts in the face of clearly
127 valid statutes expressly depriving him of jurisdiction, judicial immunity is
128 lost. *Rankin v. Howard*, (1980) 633 F.2d 844, cert. Den. *Zeller v. Rankin*, 101
129 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.

130
131 A judge must be acting within his jurisdiction as to subject matter and person,
132 to be entitled to immunity from civil action for his acts. *Davis v. Burris*, 51
133 Ariz. 220, 75 P.2d 689 (1938).

134
135 When a judicial officer acts entirely without jurisdiction or without
136 compliance with jurisdiction requisites he may be held civilly liable for abuse
137 of process even though his act involved a decision made in good faith, that he
138 had jurisdiction. *Little v. U.S. Fidelity & Guaranty Co.*, 217 Miss. 576, 64 So.
139 2D 697.

140
141 "No judicial process, whatever form it may assume, can have any lawful
142 authority outside of the limits of the jurisdiction of the court or judge by
143 whom it is issued; and an attempt to enforce it beyond these boundaries is
144 nothing less than lawless violence." *Ableman v. Booth*, 21 Howard 506 (1859).

145
146 "We (judges) have no more right to decline the exercise of jurisdiction which
147 is given, than to usurp that which is not given. The one or the other would be
148 treason to the Constitution." *Cohen v. Virginia*, (1821), 6 Wheat. 264 and U.S.
149 v. Will, 499 U.S. 200.

150
151 I was approached by Officer Travis Talbot on Friday, March 27, 2020 at 8:37AM. He
152 immediately started threatening *quasi in rem* arrest for failure to perform under the maritime
153 contract. **I informed him that it wasn't after hours.** He started getting violent and
154 threatening *quasi in rem* arrest if I didn't leave immediately. I was in the park sitting in my
155 truck in a parking space under an oak tree writing a brief. I had a deadline on my brief so I
156 complied with his unlawful demand. As I was leaving I remembered I didn't get his business
157 card so I had a record of whom was in VIOLATION of *Common Law Copyright Notice* (Item
158 No. 921803-2/CLCN) and *Affidavit of Reservation of Rights UCC 1-308*.

159
160 I pulled over to the side a waived for him to come over. He immediately started
161 getting violent and threatening *quasi in rem* arrest. He started yelling at me not
162 to argue with him and I said I wasn't. I was asking him for a business card.



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163 Ultimately another officer and I got a business card. I filed an open records request the
164 following Monday. Officer Talbot's actions were not only offensive they were a criminal
165 infringement of a copyright (18 U.S.C. § 2319) and felony civil rights crimes [18 U.S.C. §
166 241 and 18 U.S.C. § 242 under the color of *Texas Business and Commerce Code* sec. 1-308
167 and 12 C.F.R. § 226.23(a)(3)] along with several State crimes (false police report, unlawful
168 detention, and harassment). **Exhibit C** is the Incident Report for the exchange involving
169 Officer Talbot.

171 Both Officer Talbot and Officer Dixon had copies of *Common Law Copyright Notice* (Item
172 No. 921803-2/CLCN) and *Affidavit of Reservation of Rights UCC 1-308*. By leaving a falsely
173 filed Criminal Trespass Warning in affect and threatening *quasi in rem* arrest there were two
174 violations of the copyright notice and reservation of rights. The copyright notice multiples
175 the reservation of rights violation by three. The copyright notice is a **self-executing contract**
176 **with power of sale and right of non-judicial foreclosure**.

177 IV. Relief

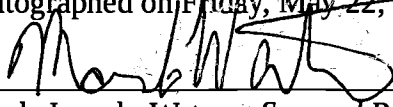
178 I ask that the Court order the clerk to issue the proposed *Writ of Attachment* enter judgment
179 against the *Defendant* for **\$2,531,350.00** which includes costs of the court and reasonable
180 attorney's fees.

181 V. Certification and Closing

182 Although not required by *Federal Rules of Civil Procedure* - Rule 11, this complaint
183 contains an affidavit requiring a point by point rebuttal for the complaint not to **stand as**
184 **judgment under common law**. Under Rule 11, by signing this *Complaint Within the*
185 *Admiralty Alleging a Violation of Reservation of Rights Pursuant to the Texas Business and*
186 *Commerce Code § 1-308, the Truth in Lending Act, Regulation Z [12 C.F.R. § 226.23(a)(3)]*
187 *and Common Law Copyright Notice (Item No. 921803-2/CLCN) Seeking Enforcement of a*
188 *Commercial Lien*, I certify to the best of my knowledge, information, and belief this
189 complaint: (1) is not being presented for an improper purpose, such as to harass, cause
190 unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing
191 law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3)
192 the factual contentions have evidentiary support or, if specifically so identified, will likely
193 have evidentiary support after a reasonable opportunity for further investigation or discovery;
194 and (4) the complaint otherwise complies with the requirements of Rule 11.

196 I also certify under penalty of perjury (28 U.S.C. § 1746) that the foregoing complaint bares
197 witness to the TRUTH and is supported with evidence and un rebutted testimony (affidavits).
198 I also certify that, out of respect for Congress, the court, and the people it serves, I do not
199 misrepresent the court's jurisdictional authority to enforce the commercial lien.

201 Without Prejudice UCC 1-308,
202 Autographed on Friday, May 22, 2020.

203 
204
205 Mark-Joseph: Watson, Secured Party/Creditor, Authorized
206 Representative, Attorney-In-Fact, on behalf of
207 MARK JOSEPH WATSON©, ens legis
208 Texas UCC1 File No. 19-0003750520

